



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,833	09/12/2003	Kentaro Nakamura	0388-031780	7716
28289	7590	05/27/2005	EXAMINER	
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,833

Applicant(s)

NAKAMURA ET AL.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 1 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on April 18, 2005 has been entered. Claims 1, 8, 11 and 12 have been amended. No claim has been cancelled. Claims 13-19 have been added. Claims 1-19 are still pending in this application, with claims 1 and 15 being independent.
2. The drawings were received on April 18, 2005. These drawings are acceptable.

Claim Objections

3. Claim 1 is objected to because of the following informalities: line 8 should read "wherein the translucent lens unit comprises a one-piece translucent lens directly connected to and supported ~~to~~ by the frame; and". Appropriate correction is required.

In addition, note Claim 15, line 8, objected for the same reasons as Claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2875

4. Claims 1-6, 10 and 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by KOKAI (Japanese Utility Model Application No. JP-A-4-122238U) as presented by the applicant (IDS filed February 11, 2004).

KOKAI discloses an illumination device for a Tractor, such device having:

- **a front illumination unit (as recited in claims 1 and 15), Figure 2, reference number 6;**
- **a side illumination unit (as recited in claims 1 and 15), Figure 2, reference number 7;**
- **a frame (as recited in claims 1 and 15), Figure 2, reference number 9;**
- **the frame supporting both illumination units (as recited in claims 1 and 15), as seen in Figure 2;**
- **a lens (as recited in claims 1 and 15), Figure 2, reference number 4;**
- **the lens being translucent (as recited in claims 1 and 15), paragraph 0006, line 4;**
- **the lens covering both illumination units (as recited in claims 1 and 15);**
- **the lens being a one-piece lens (as recited in claims 1 and 15), as evidenced by Figure 2;**
- **the lens being directly connected and supported by the frame (as recited in claims 1 and 15), as seen in Figure 2;**

- **the frame including an attaching portion (as recited in claims 1 and 15), Figure 2, reference number 10;**
- **the attaching portion being for attaching the frame to the front portion of a vehicle body (as recited in claims 1 and 15), paragraph 0007, lines 3 and 4;**
- **the front illumination unit including a pair of right and left lamps (as recited in claims 2 and 16), Figure 2, reference number 6;**
- **the side illumination units including a pair of right and left side lamps (as recited in claims 2 and 16), Figure 2, reference number 7;**
- **the frame including a front frame portion (as recited in claims 3, 14 and 18), Figure 2, reference number 5c;**
- **the front frame portion being for supporting the front lamps (as recited in claims 3, 14 and 18), as seen in Figure 2;**
- **the front frame including side frame portions (as recited in claims 3, 14 and 18), Figure 2, reference number 9a;**
- **the side portions extending from opposed ends of the front frame portions and extending to the rear (as recited in claims 3, 14 and 18), as seen Figure 2;**
- **the side portions being for supporting the side lamps (as recited in claims 3, 14 and 18), as seen in Figure 2;**

- **the lens including a front lens portion (as recited in Claim 4), as seen in Figure 2;**
- **the front lens portion covering the front lamps (as recited in Claim 4), as seen in Figure 2;**
- **the lens including side lens portions (as recited in Claim 4), as seen in Figure 2;**
- **the side lens portions covering the side lamps (as recited in Claim 4), as seen in Figure 2;**
- **the frame defining a recess (as recited in Claim 5), as seen in Figure 2;**
- **the recess being for accommodating the front and side lamps (as recited in Claim 5), as seen in Figure 2;**
- **an opening of the recess being closed by the lens (as recited in Claim 5), as seen in Figure 2;**
- **the side lamps being attached and supported laterally of the body of the vehicle (as recited in Claim 6), as seen in Figure 2;**
- **the side lamp on the inner side of steering being turned ON in response to an ON instruction from a switching device for each side lamp (as recited in Claim 10), as evidenced by Figure 6;**

- the side lamp being automatically turned ON in response to an ON instruction from a switching device for each front lamp (as recited in Claim 10), as evidenced by Figure 6;
- the front and side illuminating units, the frame and the lens being assembled as a unit (as recited in claims 13 and 17), as evidenced by Figure 5;
- the lens being attached to the frame by means of an adhesive (as recited in Claim 19), as evidenced by Figure 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOKAI (Japanese Utility Model Application No. JP-A-4-122238U) as presented by the applicant (IDS filed February 11, 2004).

KOKAI discloses an illumination device for a tractor, such device having:

Art Unit: 2875

- **a front illumination unit (as recited in Claim 1), Figure 2, reference number 6;**
- **a side illumination unit (as recited in Claim 1), Figure 2, reference number 7;**
- **a frame (as recited in Claim 1), Figure 2, reference number 9;**
- **the frame supporting both illumination units (as recited in Claim 1), as seen in Figure 2;**
- **a lens (as recited in Claim 1), Figure 2, reference number 4;**
- **the lens being translucent (as recited in Figure 1), paragraph 0006, line 4;**
- **the lens covering both illumination units (as recited in Claim 1);**
- **the lens being a one-piece lens (as recited in Claim 1), as evidenced by Figure 2;**
- **the lens being directly connected and supported by the frame (as recited in Claim 1), as seen in Figure 2;**
- **the frame including an attaching portion (as recited in Claim 1), Figure 2, reference number 10;**
- **the attaching portion being for attaching the frame to the front portion of a vehicle body (as recited in Claim 1), paragraph 0007, lines 3 and 4;**

- **the side lamps being attached and supported laterally of the body of the vehicle (as recited in Claim 6), as seen in Figure 2; and**
- **each side lamp including a side lamp reflector (as recited in claims 7 and 8), Figure 2, reference number 11.**

KOKAI discloses all the limitations of the claims, except:

- the side lamp reflector being symmetric about a vertical axis (as recited in Claim 7);
- the side lamp reflector being asymmetric about an horizontal axis (as recited in Claim 8); and
- an upper part of the side lamp reflector being wider than a lower part (as recited in claim 8).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to have a side reflector with the claimed shape (as recited in claims 7 and 8), since it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). In this case, the shape of the side reflector would have been determined by the illumination pattern desired for a particular application, with the top part of the reflector being wider than its lower part to be able to redirect more light downward towards the terrain, than upward.

6. Claims 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOKAI (Japanese Utility Model Application No. JP-A-4-122238U) as presented by the applicant (IDS filed February 11, 2004), in view of HAYAMI et al. (U.S. Pat. 6,293,686).

KOKAI discloses an illumination device for a tractor, such device having:

- **a front illumination unit (as recited in Claim 1), Figure 2, reference number 6;**
- **a side illumination unit (as recited in Claim 1), Figure 2, reference number 7;**
- **a frame (as recited in Claim 1), Figure 2, reference number 9;**
- **the frame supporting both illumination units (as recited in Claim 1), as seen in Figure 2;**
- **a lens (as recited in Claim 1), Figure 2, reference number 4;**
- **the lens being translucent (as recited in Figure 1), paragraph 0006, line 4;**
- **the lens covering both illumination units (as recited in Claim 1);**
- **the lens being a one-piece lens (as recited in Claim 1), as evidenced by Figure 2;**
- **the lens being directly connected and supported by the frame (as recited in Claim 1), as seen in Figure 2;**

Art Unit: 2875

- **the frame including an attaching portion (as recited in Claim 1), Figure 2, reference number 10;**
- **the attaching portion being for attaching the frame to the front portion of a vehicle body (as recited in Claim 1), paragraph 0007, lines 3 and 4;**
- **the side lamp on the inner side of steering being turned ON in response to an ON instruction from a switching device for each side lamp (as recited in Claims 9), as evidenced by Figure 6; and**
- **each side lamp being automatically turned ON in response to an ON instruction from a switching device for the side lamp unit (as recited in claims 11 and 12), as evidenced by Figure 6.**

KOKAI discloses all the limitations of the claims, except:

- the side lamp being also turned ON in response to the steering wheel angle exceeding a predetermined value (as recited in Claim 9);
- the side lamp being also turned ON in response to an implement connected to the rear of the vehicle body being positioned in a lowered work position (as recited in Claim 11);
- the side lamp being also turned ON in response to a traveling speed of the vehicle being lower than a predetermined value (as recited in Claim 12).

HAYAMI et al. discloses a vehicle illumination system having:

- **a plurality of vehicle illumination units (as recited in Claim 1),**
Figure 1, reference number 1;
- **the illumination units being front and side units (as recited in Claim 1),** column 2, lines 55-59;
- **an illumination control unit (as recited in claims 9, 11 and 12),**
Figure 1, reference number 5;
- **vehicle traveling direction means (as recited in Claim 9),** Figure 1, reference number 3;
- **the traveling direction means including a steering angle detector (as recited in Claim 9),** column 3, lines 1-5;
- **vehicle running speed detection means (as recited in Claim 12),** Figure 1, reference number 4;
- **the illumination control unit turning the illumination units ON and OFF in response to signals from the vehicle traveling direction means and the vehicle running speed detection means (as recited in claims 9 and 12),** column 3, lines 16-20.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the vehicle illumination control unit of HAYAMI et al. in the vehicle illumination device of KOKAI to be able to control the light distribution in front of and laterally of the vehicle to provide the best illumination

possible in a plurality of operating conditions, as per the teachings of HAYAMI et al.
(see column 3, lines 16-55).

Response to Arguments

7. Applicant's arguments filed April 18, 2005 have been fully considered but they are not persuasive.

8. Regarding the Examiner's rejection of Claim 1 under 35 U.S.C. 102(b) as being anticipated by KOKAI (Japanese Utility Model Application No. JP-A-4-122238U), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically the lens unit being directly connected to and supported by the frame.

9. Regarding the Examiner's rejection of claims 2-12, the applicant present no arguments, except stating that such claims depend directly or indirectly from independent Claim 1 and would be allowable when/if the independent claim is allowed.

10. In response to applicant's arguments that KOKAI fails to disclose the lens unit being directly connected to and supported by the frame, the applicant is advised that claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

In this case, KOKAI discloses a translucent lens 4 attached to a reflector unit 5, such reflector unit being attached to a mounting frame 9 which is then attached to a

Art Unit: 2875

vehicle 1. The combination of the reflector unit 5 and the mounting frame 9 provide support for both the front and side illuminating units and was therefore broadly considered to meet the claimed frame limitation as defined by the claims, with the lens 4 being directly connected to and supported by such "frame".

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

Art Unit: 2875

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached at (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

SPR
Inr

May 24, 2005



**JOHN ANTHONY WARD
PRIMARY EXAMINER**